

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Terry A. Todd, et al.
Serial No. : 10/602,654
Filed : June 25, 2003
Confirmation No.: 1041
Group : 1793
Examiner : James Fiorito
Title : METHOD OF STRIPPING METALS FROM ORGANIC SOLVENTS
DOE Case : S-99,482
Customer No.: 31972

PETITION & FEE FOR THE WITHDRAWAL
OF THE HOLDING OF ABANDONMENT

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ATTN: Office of the Deputy Assistant Commissioner for Patents
Petitions Examiner, Building CP3, Room 11A09

Sir:

This Petition is being submitted prior to receipt of a Notice of Abandonment for the above-identified application for failure to timely pay the Issue Fee which should have been due December 24, 2007.

Applicant's Attorney hereby declares that the original Notice of Allowance and Issue Fee Due for 10/602,654 was never received and the Corrected Notice of Allowance dated December 10, 2007 was received on December 26, 2007, which was beyond the time limit set to pay the Issue Fee had the notice of allowance been mailed on or around September 24, 2007, as listed on the transactions in PAIR for this case.

S.N. 10/252,879

This Petition transmits documents which should provide satisfactory evidence that the Notice of Allowance and Issue Fee Due referred to above, was not received by Applicant through the U.S. Mail service.

The attachments are:

Declaration of Betty A. Winchester, with attachments

Applicant hereby requests that the forthcoming holding of abandonment occurred through no fault of the applicants or their representative.

In view of these facts, Applicants attorney respectfully petitions that the forthcoming Holding of Abandonment of this application be withdrawn and the Notice of Allowance and Issue Fee Due be re-mailed by the USPTO so that payment may be timely made.

You are hereby authorized to charge Deposit Account 01-2752 of the United States Department of Energy \$130.00 which is required for the filing of this petition.

Sincerely,

/John T. Lucas/

John T. Lucas
Registration No. 36860
Attorney for Applicants

Attachments

Dated: March 4, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. : 10/602,654
Filed : June 25, 2003
Confirmation No.: 1041
Group : 1793
Examiner : James Fiorito
Title : METHOD OF STRIPPING METALS FROM ORGANIC SOLVENTS
DOE Case : S-99,482
Customer No.: 31972

**DECLARATION OF BETTY A. WINCHESTER
IN SUPPORT OF PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE AND ISSUE FEE DUE
UNDER 37 C.F.R. § 1.181**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ATTN: Petitioners Examiner

Sir:

I, Betty A. Winchester, hereby declare:

That I am a Paralegal Specialist in the Office of the Assistant General Counsel for Technology Transfer and Intellectual Property of the United States Department of Energy;

That I was in that position in September 2007;

That my duties at that time included the processing of all domestic Notices of Allowance and Issue Fee Due, Office Actions and other forms of Communications received from the U.S. Patent and Trademark Office (PTO);

That our office procedure is that all such Notices are to be delivered to me by the person who opens the mail, unless I personally open the mail, in which case I take them to my desk for further processing;

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That I maintain a computerized record of all received Office Actions, Notices of Allowance and Issue Fee Due and other such papers from the PTO;

That I maintain a file wrapper record of all received Notices of Allowance and Issue Fees Due and other such PTO documents;

That if a Notice of Allowance and Issue Fee Due from the PTO had been received by this office in September 2007, I would have placed a copy of the Action in the file, entered a record of that paper on the front of the file wrapper and in our database and forwarded the Action to the assigned attorney for further action;

The following documents are attached for clarification of our office procedure based on documents received from the PTO:

Attachment A: copy of the front of the DOE file wrapper for 10/602,654 which shows all documents filed and received on this application

Attachment B: copy of a page from our docket showing that actions received from the PTO are properly docketed

Attachment C: copy of PAIR transactions for 10/602,654 showing that the "Mail Notice of Allowance" was listed but not performed by the PTO

That upon receipt of a Corrected Notice of Allowance and Fee(s) Due dated December 10, 2007 a call was placed to the PTO to Examiner Fiorito on December 26, 2007 to inquire as to where the original Notice of Allowance was. It was found in PAIR that there was an entry that the Notice of Allowance was to be mailed on September 24 but no further indication that it was actually mailed. Then, on December 10, 2007 the PTO mailed out the Corrected Notice of Allowance but it was not received until after the original due date of December 24 for the payment of the Issue Fee;

That I questioned Examiner Fiorito, Examiner Langel and Examiner Silverman as well as several employees in Group Art Unit 1793 and the Publication Branch of the USPTO, as to the steps to be taken to rectify this situation by getting a new Notice of Allowance mailed to us with a renewed start date. They all agreed that this could not

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be accomplished through them and that a Petition would be necessary. These phone conversations took place on various dates from December 26 through January 24, 2008;

That I acknowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of application serial number 10/602,654 or any patent which may be issued thereon.

That all statements made herein are of my own knowledge and belief are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,



Betty A. Winchester
Paralegal Specialist
Office of the Assistant General Counsel
for Technology Transfer
and Intellectual Property
202-586-2810

Attachments

Dated: March 4, 2008

WAIVER NO. W()

STATUS:

Terry G. Todd
 Jack D. Law
 R. Scott Nerlest

Valeriy N. Romanovsky
 Igor V. Amernou
 Vasily A. Baban
 Vyatcheslav M. Esimantovski
 Citinger
 Khina

SERIAL NO.

10/602,654

TITLE

FILED

June 25, 2002

Method of Shipping Metals from
 Organic Solvents

ASSIGNED TO
 LICENSED TO U.S. GOVERNMENT AS REPRESENTED BY DOE

RIGHTS A DATED 6-30-03

7-7-03

RECORDED

3/12/04
3/12/04

PUBLIC FILE

REEL

014421
014421

FRAME(S)

0818
0801

OFFICE ACTION

RESPONSE DUE

AMENDED

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

filed 6-25-03 w/o orig
 10-16-03 w/o orig

6-15-06

11-16-06 w/ 1mo Ext

Attachment A

RECEIVED
 PATENT NO.

DATED

FOREIGN FILING

Claiming Russian Priority 2002117843
 filed 7-2-02

CLASSIFICATION

S.O. ISSUED

DECLASSIFIED

S.O. RESCINDED

FIELD OFFICE:

H9/5cm

1041

☒ CHECK HERE WHEN
 ENTERED INTO COMPUTER

PTO Drawing Request

Proposed Drawing Correction Filed

Corrections Requested

Corrections Made

APPLICANT Terry A. Todd
 FILE NO. 10/602,654
 SER. NO. 10/602,654
 PAT. NO. S-99,482

Attachment B

Action Due	Action	Attorney	S-Number	Country
3/1/2008	Election Period	O'DWYER, Thomas	109004	United States
3/1/2008	Election Period	DURKIS, James	109299	United States
3/1/2008	Election Period	DURKIS, James	109296	United States
3/1/2008	Election Period	DURKIS, James	109297	United States
3/1/2008	Election Period	DVORSCAK, Mark	109982	United States
3/1/2008	Election Period	SCHNEIDER, Emily	107485	United States
3/2/2008	Election Period	O'DWYER, Thomas	109036	United States
3/2/2008	Election Period	O'DWYER, Thomas	109041	United States
3/2/2008	Election Period	O'DWYER, Thomas	109045	United States
3/3/2008	Election Period	LEWIS, Fred A.	108283	United States
3/3/2008	Election Period	LEWIS, Fred A.	108282	United States
3/3/2008	Election Period	DVORSCAK, Mark	109998	United States
3/4/2008	Third Maintenance Fee	MOSER, William R.	084180	United States
3/4/2008	TRADEMARK/SERVICEMARK FEE	PATEL, Vinit H.	094589	United States
3/4/2008	TRADEMARK/SERVICEMARK FEE	PATEL, Vinit H.	094573	United States
3/6/2008	Election Period	LEWIS, Fred A.	108289	United States
3/6/2008	Election Period	LEWIS, Fred A.	108290	United States
3/6/2008	Election Period	LEWIS, Fred A.	108294	United States
3/6/2008	Election Period	LEWIS, Fred A.	108295	United States
3/6/2008	Election Period	LEWIS, Fred A.	108298	United States
3/6/2008	Election Period	DURKIS, James	109295	United States
3/6/2008	Info Discl. Statement	LaMARRE, Mark	110897	United States
3/7/2008	Election Period	DURKIS, James	109302	United States
3/8/2008	Election Period	DVORSCAK, Mark	110202	United States
3/8/2008	Election Period	DVORSCAK, Mark	109997	United States
3/8/2008	Election Period	DVORSCAK, Mark	110210	United States
3/8/2008	Election Period	DVORSCAK, Mark	110205	United States
3/8/2008	Election Period	DVORSCAK, Mark	110206	United States
3/8/2008	Election Period	DVORSCAK, Mark	110207	United States
3/8/2008	Election Period	DVORSCAK, Mark	110208	United States
3/8/2008	Election Period	DVORSCAK, Mark	110204	United States
3/8/2008	Election Period	DVORSCAK, Mark	110209	United States
3/8/2008	Rejection w/1 Month Extension	SMITH, Bradley	104265	United States
3/9/2008	Election Period	SCHNEIDER, Emily	105977	United States
3/9/2008	Election Period	LEWIS, Fred A.	106775	United States
3/9/2008	Election Period	LEWIS, Fred A.	106776	United States
3/9/2008	Election Period	LEWIS, Fred A.	106777	United States
3/9/2008	Election Period	DVORSCAK, Mark	109999	United States
3/10/2008	Election Period	DURKIS, James	109298	United States
3/10/2008	Election Period	SCHNEIDER, Emily	109702	United States
3/10/2008	Election Period	SCHNEIDER, Emily	109703	United States
3/10/2008	Election Period	DURKIS, James	109304	United States
3/10/2008	Election Period	DURKIS, James	109308	United States
3/10/2008	Issue Fee Due	PATEL, Vinit H.	099482	United States
3/10/2008	FINAL Rejection w/3 Month Extension	PATEL, Vinit H.	094540	United States
3/12/2008	US Application to be filed by	PATEL, Vinit H.	101284	United States
3/13/2008	File Formal Appln. By Due Date	BAKER, Lisa	105754	United States
3/13/2008	Election Period	DVORSCAK, Mark	110212	United States
3/13/2008	Election Period	DVORSCAK, Mark	110213	United States
3/13/2008	Second Maintenance Fee	LaMARRE, Mark	079846	United States
3/13/2008	Election Period	O'DWYER, Thomas	109030	United States
3/14/2008	Election Period	LEWIS, Fred A.	093384	United States
3/14/2008	Final Rejection	LaMARRE, Mark	101703	United States
3/15/2008	Election Period	SCHNEIDER, Emily	106443	United States



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10/602,654

METHOD OF STRIPPING METALS FROM ORGANIC SOL

Select New Case	Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Foreign Priority	Published Documents
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Transaction History

Date	Transaction Description
12-10-2007	Mail Corrected Notice of Allowance (Response period NOT restart)
12-04-2007	Corrected Notice of Allowance
12-04-2007	Case Docketed to Examiner in GAU
10-26-2007	No Government Interest - Patent to Issue to Applicant (No Letter
10-01-2007	90-Day Letter to DOE
09-24-2007	Mail Notice of Allowance
09-24-2007	Mail Examiner's Amendment
09-24-2007	Notice of Allowance Data Verification Completed
08-16-2007	PG-Pub Issue Notification
03-29-2007	Receipt of all Acknowledgement Letters
01-18-2007	Intentionally Referred by OIPE or L&R
12-11-2006	Examiner Interview Summary Record (PTOL - 413)
12-20-2006	Examiner's Amendment Communication
11-30-2006	Date Forwarded to Examiner
11-16-2006	Response after Non-Final Action
11-16-2006	Request for Extension of Time - Granted
07-18-2006	Mail Non-Final Rejection
07-10-2006	Non-Final Rejection
06-19-2006	Date Forwarded to Examiner
06-15-2006	Response to Election / Restriction Filed
05-16-2006	Mail Restriction Requirement
05-12-2006	Requirement for Restriction / Election
04-05-2006	Case Docketed to Examiner in GAU
03-20-2004	IFW TSS Processing by Tech Center Complete
03-20-2004	Case Docketed to Examiner in GAU
11-08-2003	Application Return from OIPE
11-08-2003	Application Return TO OIPE
11-07-2003	Application Dispatched from OIPE
11-10-2003	Application Is Now Complete
10-16-2003	Additional Application Filing Fees
10-16-2003	A statement by one or more inventors satisfying the requirement
09-10-2003	Notice Mailed--Application Incomplete--Filing Date Assigned

08-28-2003	Agency Referral Letter Mailed
08-21-2003	Referred by L&R for Third-Level Security Review. Agency Referral
08-20-2003	Referred to Level 2 (LARS) by OIPE CSR
07-17-2003	IFW Scan & PACR Auto Security Review
06-25-2003	Initial Exam Team nn

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